

**UNITED STATES DISTRICT COURT**

# DISTRICT OF NEVADA

4 DREE ANN CELLEMME, ) Case No. 2:16-cv-02539-JAD-CWH  
5 Plaintiff, )  
6 v. )  
7 JEFFERSON B. SESSIONS III, et al., ) **ORDER**  
8 Defendants. )  
9 )

10 Presently before the Court is Defendant's motion to quash (ECF No. 39), filed on August 28,  
11 2017. Pro se Plaintiff Dree Ann Cellemme filed a response (ECF No. 41) on September 4, 2017, and  
12 Defendant filed a reply (ECF No. 42) on September 11. Defendant seeks to quash Plaintiff's  
13 subpoena (ECF No. 37) of Michael Wheat and Tom Stahl, who are Assistant United States Attorneys  
14 in the Southern District of California, arguing that Plaintiff seeks information from these witnesses  
15 that is not relevant to her complaint.

16 On August 29, after the instant motion had been filed, the Court granted Defendant's motion  
17 to dismiss Plaintiff's complaint and motion to strike her amended complaint. (ECF No. 40).  
18 Plaintiff subsequently filed a new amended complaint (ECF No. 43), on September 11, 2017. In  
19 light of the order dismissing Plaintiff's original complaint, the Court requires further briefing before  
20 it can make a determination on the subpoena's validity under the operative complaint. Given that the  
21 subpoena notices depositions for September 29, 2017, the Court will stay the depositions until the  
22 pending motion to quash is resolved.

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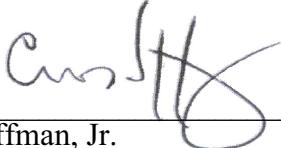
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1 IT IS THEREFORE ORDERED that Defendant may file a supplement to its motion to quash  
2 taking into account Plaintiff's amended complaint, to be filed no later than September 25, 2017.  
3 Plaintiff may file a supplemental response within 10 days of Defendant's supplement.

4 IT IS FURTHER ORDERED that the depositions of Michael Wheat and Tom Stahl are  
5 STAYED pending the Court's resolution of the motion to quash.

6 DATED: September 13, 2017

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8 C.W. Hoffman, Jr.  
9 United States Magistrate Judge

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